

REGULATION

Appointing Authority Letter Reference: CS-6854	Effective Date: July 3, 1997August 20, 2000	Index Reference: Employment Lists	Regulation Number: 3.1108
Issuing Bureau: Human Resource Services	Rule Reference: Civil Service Commission Rules 3-1.3, 3-2.7, 3-3.1, 3-3.3, 3-4.4, and 3-4.5 3-1.5, 3-2.1, 3-2.2, 3-2.3, 3-3.5, 3-3.6and 3.3-9		Replaces: Admin. Procedure S-5 (CS-6757)Reg. 3.11 (CS-6854, July 3, 1997)
Subject: ESTABLISHMENT, USE, AND DURATION OF STANDARD EMPLOYMENT LISTSAPPLICANT POOLS MAINTAINED BY THE DEPARTMENT OF BY CIVIL SERVICE			

Index

1.	Purpose	1
2.	Civil Service Commission Rule Reference	2
3.	Definitions.....	4
4.	Standards	6

~~NOTE: THIS REGULATION SUPERSEDES Selection Administrative Procedure S-5, "Establishment, Use, and Duration of Standard Employment Lists," dated October 1, 1994 (CS-6757).~~

AUTHORITY:

~~The Michigan Constitution of 1963, Article 11, Section 5, states in part:~~

~~The commission shall . . . make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service. . . . No person shall be appointed to or promoted in the classified service who has not been certified by the commission as qualified for such appointment or promotion.~~

1. PURPOSE

This regulation provides information and standards for the establishment, referral, maintenance, and duration of standard employment listsapplicant pools, maintained by the Department of Civil Service.

2. CIVIL SERVICE COMMISSION RULE REFERENCE

~~3-1.3—Employment List means a list of persons whom the department of civil service has determined to be qualified for appointment to a position in the classified service. A recall list is an employment list.~~

A. 3-2.73-1.5 Integrity of Process. — To be considered for appraisal or appointment An applicant shall comply with the established procedures and processes ~~to be considered for examination or appointment.~~

(a) **Prohibited Practices.** During the application ~~examination~~ appraisal, or appointment process, ~~an applicant person~~ shall not do any of the following:

- (1) Make any false statements or omissions of a material fact.
- (2) Misrepresent education or experience.
- (3) Engage in deception or fraud.
- (4) Cheat.
- (5) Compromise the integrity of the examination process.
- (6) Violate rule 2.6, Drug and Alcohol Testing.

(b) **Sanctions.** If the department of civil service finds that an applicant has engaged in any prohibited act, the department may do any of the following:

- (1) Cancel or limit the applicant's eligibility for state employment.
- (2) Require the separation of the applicant from state employment.
- (3) Impose any other or additional sanction that is appropriate.

B. 3-3.13-2.1 Employment ListsApplicant Pool. — The department of civil service ~~shall~~ may establish and maintain ~~employment lists~~applicant pools. The department of civil service may divide ~~employment lists~~applicant pools by geographic area, organizational unit, occupational specialty, type of appointment, or other criteria. The state personnel director shall issue regulations for the duration and use of ~~employment lists~~applicant pools. A person's eligibility to remain ~~on an employment list in an applicant pool~~ or to be referred for a position ~~shall be~~ is determined under the civil service rules and regulations in effect at the time the department of civil service refers names of qualified ~~candidates~~ applicants to an appointing authority.

C. 3-3.33-2.2 Removal from Employment ListApplicant Pool. — The department of civil service may remove a person from an ~~employment list~~applicant pool for any one of the following reasons:

- a. Appointment.

- ~~— b. Failure to respond to an inquiry regarding possible employment.~~
- ~~— c. An indication of lack of interest in an employment opportunity.~~
- ~~— d. Failure to accept employment.~~
- be. Separation or retirement from state service.
- fc. Evidence that the person is unable to perform satisfactorily, with or without reasonable accommodations, the essential duties of the job.
- gd. Evidence of conduct that indicates that the person is unfit or unsuitable for appointment.
- he. Conduct that violates Rule 3-2.73-1.5, Integrity of Process.
- if. Expiration of an applicant pool or eligibility.

D. 3-2.3 Recall Lists. — An employee is eligible to be placed on a recall list only if the employee (1) gained status from an indefinite appointment to a permanent classified position, and (2) is laid off, demoted, or otherwise displaced for reasons of administrative efficiency. Recall lists are not created or maintained for classifications that are protected from the application of employment preference in rule 2-4 or applicable regulations.

~~**3-3.1 Transfer.** A classified employee with status is eligible to be considered for transfer to another position within the classified service. An employee is eligible to transfer only (1) to a position in the employee's current class or classes for which the employee is certified by the department of civil service as qualified, and (2) at a level equal to or lower than the level at which the employee has status. A transfer requires the approval of the employee, the appointing authority, and the department of civil service.~~

E. 3-3.5 Lateral Job Change Between Departments

Any two appointing authorities may authorize a lateral job change for an employee between departments or autonomous entities. The employee may be moved to a different classification only if (1) the employee previously attained status in the classification, (2) the job change is based on the civil service preauthorized lateral job change list, or (3) the employee meets the civil service qualification requirements. A lateral job change between departments or autonomous entities requires the agreement of the employee and the approval of the department of civil service.

F. 3-3.6 Lateral Job Change within a Department

An appointing authority may authorize a lateral job change for an employee within the employee's current department or autonomous entity. The employee may be moved to a different classification only if (1) the employee previously attained status

in the classification, (2) the job change is based on the civil service preauthorized lateral job change list, or (3) the employee meets the civil service qualification requirements. A lateral job change within a department or autonomous entity does not require the agreement of the employee. However, an employee may request a lateral job change. A lateral job change within the employee's current department or autonomous entity is not an appointment. {Ref. Commission Meeting July 2000}

G. 3-4.43-3.9 Reinstatement. — A classified employee ~~in satisfactory standing~~ who achieved status ~~in a class~~, and who is ~~subsequently demoted or separated or demoted, while in satisfactory standing,~~ is eligible for reinstatement. An appointing authority may reinstate an eligible person to (1) the classclassification in which the person last achieved status ~~prior to before~~ the separation or demotion, or (2) to a class-classification at the same or lower classification level for which the person is qualified. A person's eligibility for reinstatement is limited to three ~~(3)-~~ years after ~~the date of~~ separation or demotion. However, the ~~department of civil service-state personnel director~~ may extend eligibility in ~~its-the~~ regulations to meet work force needs.

3. DEFINITIONS

A. Civil Service Commission Rule Definitions:

- 1. Applicant Pool** means a group of applicants whom the Department of Civil Service has determined to be qualified.
- 2. Appointing Authority** means each of the following:
 - (a) A single executive heading a principal department.
 - (b) A chief executive officer of a principal department headed by a board or commission.
 - ~~(3)~~(c) A person designated by either of the preceding as responsible for administering the personnel functions of the department, board, or agency of convenience.

~~**Band** means a group of scores on a standard employment list that the department has determined to be equal for referral purposes. Names are referred by band, with Band 1 having the first order of consideration.~~

~~**Certification** means the process whereby (1) the department of civil service or its authorized agent refers the names of qualified candidates to an appointing authority and (2) the department of civil service approves the subsequent appointment of a candidate by the appointing authority.~~

~~**Certified Employment List** means the listing of eligible applicants referred to an appointing authority for a vacancy in a specific classification, employment type, and~~

~~location. Recall list and standard employment list candidates are identified by list-type code. Certified employment lists are generated by an on-line request into the Automated Certification and Creation of Eligible Lists (ACCEL) System.~~

DEFINITIONS (CONT.):

3. ~~**Employment-Type**~~ **Employee Status** ~~Code means a single character code that describes the type of employment desired by the candidates appearing on an employment list. The status assigned to an employee for the purposes of determining pay and benefits.~~

There are six codes:

~~F-AA~~ = Full-Time ~~I-AC~~ = Intermittent ~~S-AE~~ = Seasonal
~~L-AD~~ = Limited-Term ~~H-AB~~ = ~~Hourly~~Part-time ~~N-AQ~~ = Non-career

~~**List-Type** Code means a single character code that establishes the priority of referred~~

~~List Type 2 = Departmental Recall List~~

~~List Type 3 = Statewide Recall List~~

~~List Type 8 = Standard Employment List~~

~~**Recall List** means an employment list of persons who have been laid off, demoted, or otherwise displaced for reasons of administrative efficiency, including, for example, lack of work, lack of adequate funding, change in mission, or reorganization of the work force. There are two (2) types of recall lists: departmental and statewide.~~

~~**Standard Employment List** means an employment list containing names of persons determined by the Department of Civil Service to be qualified and eligible for consideration for vacancies in a specified classification. Names are typically placed on these lists as a result of the Civil Service examination process, other approved appraisal methods, or as transfer or reinstatement candidates.~~

B. Additional Definition(s) as used in this Regulation:

- 1. State Employee Applicant.** — ~~means any one of the following individuals, who are considered state employees for testing and employment list purposes: The following individuals are considered state employees for written, electronic, and other appraisal methods:~~

~~(1)A.~~ ____ Those presently employed on a career or non-career basis.

~~(2)B.~~ ____ Employees on layoff from a classified position.

~~(3)C.~~ ____ Employees on a leave of absence whose rights to return to active employment are guaranteed.

- (4)~~D.~~ Individuals currently in the disability retirement program or Return to Work Program.
- (5)~~E.~~ Individuals appointed to executive branch unclassified positions.
- (6)~~F.~~ Employees and members of the state legislature and judiciary.
- G. Special personal services employees.

~~The general public and the following individuals are **NOT** considered state employees for testing and employment list purposes:~~

- ~~a. Personal service contractors.~~
- ~~b. Persons on short-term, emergency, or student appointments.~~

4. STANDARDS

A. STANDARDS FOR PLACING NAMES ON STANDARD EMPLOYMENT LISTS IN APPLICANT POOLS MAINTAINED BY THE DEPARTMENT OF CIVIL SERVICE:

1. The Department of Civil Service establishes and maintains standard employment lists applicant pools for selected classifications comprised of the names of qualified applicants seeking employment in the state classified service. Names Applicants are typically placed on in these lists pools as a result of the applicant satisfactorily completing the after passing the required Department of Civil Service examination process or other approved applicant appraisal methods appraisal. Names are generally referred to appointing authorities in broad score groups (bands).
2. An employee with status who may requests to be have his or her name placed on the transfer list will be placed in the first band of the standard employment list for the classification where status was most recently achieved in an applicant pool maintained by the Department of Civil Service for the classification in which they most recently attained status in order to be considered for a lateral job change.
3. An employee who has been demoted after having attained status is eligible for placement in an applicant pool maintained by the Department of Civil Service for the classification from which they were demoted.
4. An employee eligible for reinstatement who requests to be placed on the reinstatement list will be placed in the first band of the standard employment list for the classification in which status was most recently achieved prior to separation, demotion, or departure on a waived rights leave of absence who has separated or departed on a waived rights leave of absence within the last

three (3) years is eligible for placement in an applicant pool maintained by the Department of Civil Service for the classification in which they most recently attained status.

5. ~~An employee with status~~ Individuals who are eligible under Standards 2, 3, or 4 may request ~~placement of to have his or her their name on the standard employment list placed in an applicant pool as a transfer or reinstatement candidate by telephoning contacting the (517) 373-3048 or writing to Human Resource Services Bureau, Department of Civil Service, P. O. Box 30002, Lansing, Michigan 48909.~~

B. STANDARDS FOR REFERRING OBTAINING NAMES FROM STANDARD EMPLOYMENT LISTS
APPLICANT POOLS MAINTAINED BY THE DEPARTMENT OF CIVIL SERVICE:

1. ~~Employment lists~~ Applicant pools may be divided by geographic area, organizational units, occupational specialties, employment type and/or other criteria that are responsive to work force needs in the state classified service. Additionally, the referral process may include will be maintained by county and employee status.

a. ~~Use of exclusive certification to refer only names of employees from the employing department or agency.~~

b. ~~Inclusion of protected group members.~~

c. ~~Inclusion of the names of individuals seeking reinstatement or transfer.~~

2. Applicant pools will remain in effect for 90 days from the date the applicant pool is created. Extensions may be approved up to two additional 30 day periods if 1) the request is made prior to the actual expiration date and 2) there are no new recall names to consider.

- ~~2.3.~~ In the absence of recall names, as provided for in regulation 3.03, all names on applicants in the first band of the standard employment list applicant pool are referred eligible for each request made consideration by an appointing authority. If there are fewer than fifteen (15) names available in the first band, all names from the next lower band will be included in the referral. Names from successively lower bands will be included in the referral until the total names from the combined bands reaches a minimum of fifteen (15) names (if available).

2. ~~Appointment of standard employment list names is limited to the top available band unless fewer than fifteen (15) names remain available in that band. When fourteen (14) or fewer names are available in the top band, all standard employment list names from the next lower band are eligible for consideration. Names from~~

~~successively lower bands may be added for consideration if higher combined bands become depleted to fewer than fifteen (15) total names.~~

C. STANDARDS FOR THE REMOVAL AND MAINTENANCE OF NAMES ON STANDARD EMPLOYMENT LISTSDEPARTMENT OF CIVIL SERVICE APPLICANT POOLS:

1. Names may be removed from ~~an applicant pool standard employment lists~~ for any of the reasons specified in ~~Section Civil Service Rule 3-3.33-2.2.~~ of ~~the Michigan Civil Service Commission Rules.~~
2. ~~At the applicant's request, standard employment list records may be made inactive for a minimum of thirty (30) days, but no more than one year.~~

~~4.2.~~ It is the applicant's responsibility to inform the Department of Civil Service of name or address changes. State employee applicants may update this information using the HRMN website or by contacting their Human Resources Office. An applicant may update their standard employment list records, including changes to location or employment type availability, by telephoning All other applicants may do so by contacting the (517-373-3048) or by writing the Human Resource Services Bureau, Department of Civil Service, P.O. Box 30002, Lansing, Michigan 48909.

~~4.3.~~ All applicants must contact the Department of Civil Service to update county or employee status availability.

D. STANDARDS FOR THE DURATION OF STANDARD EMPLOYMENT LIST APPLICANT POOL RECORDS MAINTAINED BY THE DEPARTMENT OF CIVIL SERVICE:

1. State employee applicants who ~~take and pass an~~ Civil Service examination appraisal or who seek a promotion in accordance with this regulation will have their names will be placed in the applicant pool indefinitely on the standard employment lists resulting from the examination for the period as determined by the specific appraisal method.
2. ~~Transfer names shall be placed on standard employment lists for twelve (12) months from the date the request is received. Extensions will be granted, one year at a time, upon request. Employees seeking a lateral job change, in accordance with Civil Service rules and regulations, may have their name placed in applicant pools for one (1) year. Extensions may be given, one year at a time, upon written request.~~
3. An ~~employee individual~~ who separates from ~~career~~ state employment in good standing may request the return to have of his or her name returned to standard employment lists an applicant pool by writing to contacting the Human Resource Services Bureau, Department of Civil Service, P.O. Box

~~30002, Lansing, Michigan 48909.~~ The names of separated ~~employees~~ individuals will be placed ~~on in employment lists~~ applicant pools for ~~one year~~ the period as determined by the specific appraisal method, provided the ~~examination content or appraisal~~ method has not changed. Extensions ~~will may~~ be granted given, one year at a time, upon written request.

~~3.4.~~ Individuals who are not state employee applicants at the time they ~~take~~ and pass an examination a Civil Service appraisal will ~~be have~~ their name placed ~~on in the an standard employment lists~~ applicant pool ~~resulting from the examination for one year~~ the period as determined by the specific appraisal method. If the ~~examination appraisal~~ content or method has not changed, extensions ~~will may~~ be granted given, one year at a time, upon written request.

~~3.5.~~ Individuals who are sanctioned may request reinstatement of their name in an applicant pool in accordance with Civil Service Regulation 3.06, "Sanctions For Violating Appraisal Method Integrity."

~~3.6.~~ Reinstatement names shall be placed on standard employment lists for up to three years. Individuals seeking reinstatement in accordance with Standard A4 may have their name placed in the applicant pool for up to three (3) years from the date of separation, demotion, or departure on a waived rights leave of absence. The reinstatement period for employees who have been laid off or demoted because of a reduction-in-force begins when their recall rights expire. Requests for extensions from individuals will not may be granted given, one year at a time, upon written request, unless the appraisal method has changed.

~~3.7.~~ If the ~~examination content or~~ appraisal method changes ~~, and such that~~ the results of ~~the a new examination appraisal~~ replaces the previous ~~examination results, eligibles applicants on in the employment lists applicant pool~~ will be notified of the change and will be offered an opportunity to ~~take~~ participate in the new examination appraisal.

CONTACT PERSON:

Questions ~~or concerns~~ regarding this regulation should be directed to the Human Resource Services Bureau Group Leader, responsible for providing human resource services to the agency: Charles Green, Jr., (517) 373-3326, George Minerick (517) 373-3065, or Carol Mowitz, (517) 373-3040; at Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909, (517) 373-3048 or 1-800-788-1766, or MDCS@state.mi.us.

July 3, 1997 <u>August 20, 2000</u>	Regulation 3-113.08: <u>Establishment, Use, and Duration of Standard Employment Lists</u> <u>Applicant Pools Maintained by the Department of Civil Service</u>	Page 10 of 10
--	--	---------------

NOTE: Regulations are issued by the State Personnel Director under authority granted in the State of Michigan *Constitution* and the *Michigan Civil Service Commission Rules*. Regulations that implement Commission Rules are subordinate to those Rules.

~~This regulation is issued in accordance with Subsection 2-13.5 of the Michigan Civil Service Commission Rules.~~

3_08_reg_rev2cp.doc

~~June 1, 2000~~